

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAS VEGAS METROPOLITAN
POLICE DEPARTMENT,

Appellant/Cross-Respondent,

vs.

AMERICAN BROADCASTING
COMPANIES, INC.; THE ASSOCIATED
PRESS; CABLE NWES NETWORK,
INC.; CHESAPEAKE MEDIA I, LLC,
D/B/A KSNV-TV; LOS ANGELES
TIMES COMMUNICATIONS, LLC;
THE NEW YORK TIMES COMPANY;
SCRIPPS BROADCASTING
HOLDINGS, LLC; WP COMPANY,
LLC, D/B/A THE WASHINGTON POST,

Respondents,

LAS VEGAS REVIEW-JOURNAL,
Respondent/Cross-Appellant.

Electronically Filed
Apr 24 2018 12:23 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

SUPREME COURT CASE NO.:
75518

DISTRICT COURT CASE NO.:
A764030; A764169

**MOTION FOR LEAVE TO FILE RESPONSE IN EXCESS OF
PAGE/TYPE VOLUME LIMITATION**

Respondent Las Vegas Review-Journal, by and through its counsel, Margaret A. McLetchie, hereby moves this Court, pursuant to Nevada Rule of Appellate Procedure (“NRAP”) 32(a)(7)(D), for leave to file an Opposition to the Las Vegas Metropolitan Police Department’s Emergency Motion for Stay Pending Appeal that exceeds the ten-page limit imposed by NRAP 27(d)(2). This Motion is supported by the attached declaration of counsel.

DATED this the 24th day of April, 2018.

/s/ Margaret A. McLetchie

Margaret A. McLetchie, Nevada Bar No. 10931

Alina M. Shell, Nevada Bar No. 11711

MCLEATCHIE SHELL LLC

701 East Bridger Ave., Suite 520

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Counsel for Respondent/ Cross-Appellant,

Las Vegas Review-Journal

DECLARATION OF MARGARET A MCLETCHIE

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, Margaret A. McLetchie, declare, pursuant to Nev. Rev. Stat. § 53.330, as follows:

1. I am counsel for Respondent Las Vegas Review-Journal (“Review-Journal”) in this matter. I have personal knowledge of all matters contained herein and am competent to testify thereto.

2. The Las Vegas Metropolitan Police Department (“Metro”) is appealing two orders of a district court for the Eighth Judicial District Court granting the Review-Journal’s petition for a writ of mandamus filed pursuant to the Nevada Public Records Act (the “NPRA”), Nev. Rev. Stat. § 239.001 et seq. as well as the petition filed by other media outlets. There are two key orders Metro is appealing: (1) a March 2, 2018 Order granting the Review-Journal petition for a writ of mandamus and ordering Metro to disclose public records pertaining to the October 1, 2017 shooting at the Route 91 Harvest Country Music Festival (the “Disclosure Order”); and (2) a March 9, 2018 Order limiting the fees and costs Metro may charge the Petitioners (the Review-Journal and the other media outlets who sought relief) in producing those public records (the “Costs Order”).

3. On April 20, 2018, Metro filed an Emergency Motion for Stay Pending Appeal with this Court pursuant to NRAP 27(e) asking this Court to stay enforcement of the district court's March 2, 2018 and March 9, 2018 orders.

4. Pursuant to this Court's April 20, 2018 Order, the Review-Journal's response to Metro's Emergency Motion is due by 4:00 p.m. on April 24, 2018.

5. Pursuant to NRAP 27(d)(2), a response to a motion may not exceed 10 pages absent leave from the Court.

6. In preparing the Review-Journal's proposed Opposition to Metro's Emergency Motion, which I have been working on diligently since receiving the Emergency Motion, I am endeavoring to present the arguments as succinctly as possible. However, given the complex procedural history of the case and the legal issues raised by the Emergency Motion, I will require more than the 10-page limit set by NRAP 27(d)(2).

7. The Review-Journal must address a number of procedural arguments with regard to emergency relief as well as substantive legal issues under NRAP 8 and the NPRA. It must address legal issues (including likelihood of success) with regard to both the Disclosure Order and the Costs Order that Metro is seeking to stay.

8. I believe that limiting the Review-Journal's Opposition to ten pages would materially detract from the Review-Journal's presentation of its response to

the arguments raised by Metro in its Emergency Motion. Although Metro's Emergency Motion was relatively brief, its cursory request for emergency relief elides the complex procedural history of the case—and its own acts which created those complexities. The Emergency Motion also ignores the important legal issues at stake with regard to the Review-Journal's rights under the NPRA. Thus, I require the additional pages to adequately explain the history of this case and present the legal grounds which weigh against a stay of the district court's orders.

9. The planned opposition is very important to the Review-Journal, which made its records requests and sought relief under the NPRA to be able to more fully present the public with reporting on the 1 October mass shooting. 1 October is of course a matter of great public interest and newsworthiness. If the Court grants Metro's request of a stay, the length of the appeals process will greatly diminish the newsworthiness of the requested records and thereby irreparably harm the Review-Journal's ability to timely report on the events of 1 October and related issues. Indeed, if this Court were to grant Metro a stay, that would significantly undermine the Review-Journal's purpose in bringing the action to enforce the NPRA. Given this important interest, it is all the more important that I adequately brief the legal issues raised by the Emergency Motion.

10. I therefore respectfully request that this Court grant the Review-Journal leave to file a Response in excess of the normal page limitations.

11. Specifically, I hereby respectfully request this Court to permit me to file an Opposition not to exceed 30 pages in length.

12. I began preparing an opposition as soon as receiving the Emergency Motion. I completed a preliminary draft over the weekend, which is approximately 29 pages. I am currently endeavoring to edit and make the opposition as concise as possible. I will continue to work diligently to make the opposition as concise and clear as possible.

13. This Motion is not made for the purposes of delay, or any other improper purpose, but only to ensure that I provide competent and effective representation to the Review-Journal. *See Nev. R. Prof. Conduct 1.1.*

I certify under the penalty of perjury that the foregoing is true and correct.

EXECUTED this the 24th day of April, 2018.

/s/ Margaret A. McLetchie

Margaret A. McLetchie, Nevada Bar No. 10931

Alina M. Shell, Nevada Bar No. 11711

MCLETCHIE SHELL LLC

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Las Vegas, Nevada 89101

Counsel for Respondent/ Cross-Appellant,

Las Vegas Review-Journal

CERTIFICATE OF SERVICE

I hereby certify that the foregoing MOTION FOR LEAVE TO FILE RESPONSE IN EXCESS OF PAGE/TYPE VOLUME LIMITATION was filed electronically with the Nevada Supreme Court on the 24th day of April, 2018. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

Craig R. Anderson, Nick D. Crosby, and Jackie V. Nichols
MARQUIS AURBACH COFFING
Counsel for Appellant/Cross-Respondent,
Las Vegas Metropolitan Police Department

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Counsel for Respondents,
American Broadcasting Companies, Inc., The Associated Press, Cable News Network, Inc., Chesapeake Media I, LLC, d/b/a KSNV-TV, Los Angeles Times Communications, LLC, The New York Times Company, and WP Company LLC d/b/a The Washington Post

FURTHER, I hereby certify that on the 24th day of April, 2018, the foregoing MOTION FOR LEAVE TO FILE RESPONSE IN EXCESS OF PAGE/TYPE VOLUME LIMITATION was served on the Settlement Judge by mailing a true and correct copy thereof, postage prepaid, addressed to:

Lansford Levitt
4230 Christy Way
Reno, NV 89519
Settlement Judge

/s/ Pharan Burchfield
Employee of McLetchie Shell LLC